

REMARKS/ARGUMENTS

The Examiner has stated that the oath or declaration filed in this application is defective. In reviewing the declaration and power of attorney that was filed on May 12, 2001, it is noted that this document identifies the present application by application number (09/783,842) and filing date (02/15/01). Although one inventor, Diana Brown Nolte, did not date her declaration, the Office no longer requires a newly executed declaration where the date of execution is missing. See MPEP 602.05. Accordingly, applicants submit that the declaration and power of attorney on file in this application is in compliance with the applicable rules.

In the specification, the original title has been replaced with one that is clearly indicative of the invention to which the claims are directed.

The Office Action

Claims 1-24 remain in this application. Independent claims 1, 7, 13 and 19 add additional features from the specification.

Claims 1-24 Patentability Distinguish over the Prior Art of Record

Claims 1-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Alpdemir et al (Pat. App. Pub. No. 2002/0035474). However, applicants submit that the pending claims are patentably distinguishable over the prior art of record.

The present application relates to a data processing system that assists a patron in contacting a resource provider that might be capable of providing a resource, such as information, goods, realty, services, etc. The various embodiments not only assist the patron in identifying the resource provider, but they also initiate a telecommunication session between the patron and the resource provider so that they may communicate and provide the patron with the resource sought. The telecommunication session may be a voice, video or text session via the PSTN or a data network. The present invention includes a database of resource providers, which includes keywords associated with particular resource providers, as well as the type of communication sessions accepted by the resource provider as well as its availability to communicate with the patron.

Claim 1, as amended, includes the limitation of compiling a database of resource providers and their associated information. The associated information includes one or more keywords that are indicative of the resource provider, an indication of whether the resource provider accepts voice, video or text communications via public switched

telephone network, an indication of whether the resource provider accepts voice, video or text communications via a data network, and an indication of whether the resource provider is immediately available to communicate with a patron. Also, each of the resource provider's database entries is indexed by at least one keyword.

Claim 7, as amended, includes the limitation of compiling a database of resource providers and their associated information. The associated information for each of the resource providers includes one or more keywords that are indicative of the resource provider, a summary of the resource provider's terms and conditions for providing resources, an indication of what types of telecommunications sessions the resource provider accepts, the resource provider's contact information, an indication of whether the resource provider is immediately available, and by what device the resource provider is available.

Claim 13, as amended, includes the limitations of receiving contact information and preferences from a patron, receiving a request from the patron to find a resource provider to provide a resource, conducting, via a data network, an auction to identify the lowest cost resource provider willing to provide the resource sought, and initiating a telecommunication session between the patron and the lowest cost provider.

Claim 19, as amended, includes the limitation of compiling a database of resource providers and their associated information. The associated information for each of the resource providers includes a summary of the resource provider's terms and conditions for providing resources, an indication of what types of telecommunications sessions the resource provider accepts, the resource provider's contact information, an indication of whether the resource provider is immediately available, and by what device the resource provider is available.

On the other hand, the primary reference of record, Alpdemir, relates generally to various systems and methods for providing automated speech-recognition driven query and response with business or event self-promotion features relative to businesses and events over ordinary wired or wireless telephone systems, PC systems, Personal Data Assistants (PDAs), and other communication and information appliances and devices. Alpdemir differs from the present invention in several ways.

More particularly, in paragraphs [136] to [141], Alpdemir discloses a voice recognition based system and method. Apparently, the user 101 can access the information or data 132 that resides in a database 134 within an Information Center 136 and the Web Site 138 through interactive voice commands 140 and/or through keypad

presses 142 on the caller's device. The caller's voice commands are recognized and translated into a suitable language. Information is then relayed back to the caller via text-to-speech conversion. Thus, Alpdemir focuses on how information is transmitted between a user and an Information Center, but fails to disclose what data is stored in the database or how the data is organized or indexed.

In regard to claim 1, as amended, Alpdemir, among other things, fails to disclose compiling a database that includes keywords for each of the resource providers as well as how each resource provider may be contacted, nor does Alpdemir disclose indexing the database entries for the resource providers based upon the keywords. Accordingly, claim 1 and claims 2-6, which depend therefrom, are not anticipated by Alpdemir.

In regard to claim 7, as amended, Alpdemir, among other things, fails to disclose compiling a database that includes keywords for each of the resource providers, a summary of each resource provider's terms and conditions for providing resources, an indication of what types of telecommunications sessions the resource provider accepts, the resource provider's contact information, an indication of whether the resource provider is immediately available, and by what device the resource provider is available. Accordingly, claim 7 and claims 8-12, which depend therefrom, are not anticipated by Alpdemir.

In regard to claim 13, as amended, Alpdemir, among other things, fails to disclose conducting an auction to determine the lowest cost resource provider. Accordingly, claim 13 and claims 14-18, which depend therefrom, are not anticipated by Alpdemir.

In regard to claim 19, as amended, Alpdemir, among other things, fails to disclose compiling a database that includes a summary of each resource provider's terms and conditions for providing resources, an indication of what types of telecommunications sessions the resource provider accepts, the resource provider's contact information, an indication of whether the resource provider is immediately available, and by what device the resource provider is available. Accordingly, claim 19 and claims 20-24, which depend therefrom, are not anticipated by Alpdemir.

CONCLUSION

For at least the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-24) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone John S. Zanghi, Esq., at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

12/27/04
Date

John S. Zanghi
John S. Zanghi
Reg. No. 48,843
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EV494 999 615 US
Date December 27, 2004

Signature Roseanne Giuliani
Printed Name Roseanne Giuliani

N:\LUTZ\200205\emc0001783V001.doc